

Middletown Zoning Board Minutes

February 24, 2015

Administrative: The meeting is called to order at 7:02 PM.

Roll Call: Present to vote: Chairman Peter Van Steeden, Vice Chairman Tom Silveira, Secretary Stephen MacGillivray, Charles Vaillancourt (absent), Jim Miller, Nicholas Pasyanos (voting member), Robert Novick (absent), Olin Gambrell.

Approval of Minutes: January 6, 2015.

Olin Gambrell moves for approval, Tom Silveira seconds. The minutes are approved 5-0.

Chairman Van Steeden announces that Charles Vaillancourt has resigned from the Zoning Board.

Continuances/Withdrawals:

Petition of: Seaview Inn, LLC (owner) - c/o their attorney David P. Martland, Esq.- for a Special Use Permit from Sections 602 & 1400 et seq.- to amend the previously granted Special Use Permit to allow revisions to architectural plans. Said real estate located at 240 Aquidneck Ave, JohnClarke Rd & Valley Rd and further identified as

Lots 1x, 5, 53, 54 & 55 on Tax Assessor's Plat 115. Robert Silva indicates that this petition will be withdrawn without prejudice. Tom Silveira moves, Nicholas Pasyanos seconds. Approved 5-0.

Petition of: VSH Realty Inc & Cumberland Farms, Inc.- by their attorney Robert M Silva, Esq.- for a Variance from Sections 603, 701 & Article 13- to allow the expansion and renovation of the existing convenience store and gasoline dispensing facility with a south side yard setback of 4.9' where 20' is required; a front yard setback of 8.3' where 10' is required; a rear yard setback of 25.8' where 50' is required; 8 parking spaces where 14 parking spaces are required, and from the landscaping requirements set forth in the Middletown Planning Board's Rules and Regulations regarding the Subdivision and Development of Land, pursuant to plans filed herewith and prepared by Vanasse, Hangen, Brustlin, Inc. Said real estate located at 94 and 106 Aquidneck Ave and further identified as Lot 132, 133 & 134 on Tax Assessor's Plat 115SE. Robert Silva asks that this matter be referred to the Planning Board and Conservation Commission. Continued to March 24, 2015.

Petition of: VSH Realty Inc & Cumberland Farms, Inc.- by their attorney Robert M Silva, Esq.- for a Special Use Permit from Sections 602 and Article 11- to allow the expansion and renovation of the existing convenience store and gasoline dispensing facility as presently located in a Traffic Sensitive Limited Business Zone (LBA) and in Zone 1 of the Watershed Protection District (WPD). Said real

estate located at 94 and 106 Aquidneck Ave and further identified as Lot 132, 133 & 134 on Tax Assessor's Plat 115SE. Robert Silva asks that this matter be referred to the Planning Board and Conservation Commission. Continued to March 24, 2015.

Petition of: Newport Landings LLC by their attorney Patrick O'N. Hayes Jr.- for a Special Use Permit from Sections 602, 803 and 1501-1508- to add 22 additional two bedroom apartments by converting twenty-two 4 bedroom apartments, each with 2 existing kitchens, into forty-four 2 bedroom apartments. Said real estate located at Coddington Highway and further identified as Lot 2 on Tax Assessor's Plat 102. Patrick Hayes indicates that the matter must still be heard by the Planning Board. Mr. Hayes asks for a Special Meeting date due to his client's financing deadlines. A Special Meeting will be held on March 17, 2015 at 7:00 PM to accommodate this matter.

Petition of: Newport Landings LLC by their attorney Patrick O'N. Hayes Jr.- for a Variance from Sections 1504 & 1304- to convert twenty-two 4 bedroom apartments, each with 2 existing kitchens, into forty-four 2 bedroom apartments on a lot with 1,131,374 s.f., where 2,264,000 s.f. is required; and to allow 97 additional parking spaces on existing streets within the development resulting in a total of 508 spaces where 536 are required. Said real estate located at Coddington Highway and further identified as Lot 2 on Tax Assessor's Plat

102.Patrick Hayes indicates that the matter must still be heard by the Planning Board. Mr. Hayes asks for a Special Meeting date due to his client's financing deadlines. A Special Meeting with be held on March 17, 2015 at 7:00 PM to accommodate this matter.

Petition of: Middletown Square, LLC by their attorney Jeremiah C. Lynch, III for a Special Use from Section 602- to permit the operation of a donation center (Miscellaneous Business Service Not Otherwise Classified) on the premises. Said real estate located at 7 West Main Rd and further identified as Lot 148 on Tax Assessor's Plat 108SW. Attorney Lynch asks for a continuance to complete a traffic study. Continued to March 24, 2015.

Full Hearings:

Petition of: William Armstrong for a Variance from Sections 603, 701 & 803G- to allow the addition of a 10' X 30' deck with a rear yard setback of 34.17' where 50' is required and resulting in lot coverage of 26% where 20% is allowed. Said real estate located at 500 Wolcott Ave and further identified as Lot 46 on Tax Assessor's Plat 122. William Armstrong and Glenn Smith present case. Tom Silveira moves for approval of the petition and Nicholas Pasyanos seconds. The petition is approved 5-0.

Petition of: William F Flowers for a Variance from Section 603- to allow the subdivision of lots 175 & 183 resulting in a reduction in area of lot 175 to 19,677.50 sq. ft. where 30,000 sq. ft. is required. Said real

estate located at 619 East Main Rd & 60 Wyatt Rd and further identified as Lots 175 & 183 on Tax Assessor's Plat 113. Petitioner seeks a continuance until March 24, 2015 and is so continued.

Petition of: Bryan Cooney & Kathleen Heller for a Variance from Section 603, 701 & 803G- to construct third floor addition and three decks with a left side yard setback of 20' where 30' is required and a rear yard setback of 47' where 60' is required and a front yard setback of 31' where 40' is required resulting in lot coverage of 17.2% where 15% is allowed. Said real estate located at 142 Prospect Ave and further identified as Lot 68 on Tax Assessor's Plat 121NW. Bob Morin and Bryan Cooney present. Tom Silveira moves to approve the petition and Olin Gambrell seconds. The petition is approved by a vote of 5-0.

Petition of: Raymond A Caron for a Variance from Section 603, 701 & 803 G - to construct 22'x 30' attached garage with a front yard setback of 18.4' where 25' is required, a right side yard setback of 9.7' where 15' is required and a rear yard setback of 25.7' where 30' is required. Said real estate located at 3 Harold Ln and further identified as Lot 7 on Tax Assessor's Plat 115SE. Raymond Caron presents his case. Tom Silveira moves for approval and Nicholas Pasyanos seconds. The petition is approved 5-0.

Petition of: Kathleen Redgate and Sheila Finnegan for a Variance from Section 603, 701 & 802 B - to demolish the existing

nonconforming dwelling and construct a new single family dwelling with attached two car garage and 360 sq. ft. deck with a rear yard setback of 12.9' where 60' is required and a front yard setback of 20' where 40' is required resulting in lot coverage of 17.5% where 15% is allowed. Said real estate located at 1544 Green End Ave and further identified as Lot 15 on Tax Assessor's Plat 129. Kathleen Redgate and Bob Morin present the case. Tom Silveira moves for approval and Nicholas Pasyanos seconds. The petition is approved 5-0.

Petition of: William Kluth & Isabel Sousa by their attorney Robert M Silva, Esq. for a Variance from Section 603, 701 & 802B- to demolish the existing nonconforming single family dwelling and construct a single family dwelling with a front yard setback of 15.8' and a second floor deck at 10.8' where 25' is required, a rear yard setback of 8.2' where 30' is required and resulting in lot coverage of 31.5% where 25% is allowed. Said real estate located at 80 Crest Street and further identified as Lot 153 on Tax Assessor's Plat 116NE. Robert Silva presents. Ted Boshetto also testifies. Tom Silveira moves to approve the petition and Nicholas Pasyanos seconds. Petition approved 5-0.

Adjourn: 7:53 PM.